

REMARKS

Claims 36 and 38-70 are now present in this application.

The specification and claims 36, and 38-70 have been amended, and claim 37 has been cancelled without prejudice or disclaimer of the subject matter contained therein. Reconsideration of the application, as amended, is respectfully requested.

The drawings stand objected to under 37 CFR 1.83(a). The Examiner alleges that the "roughened surface" of claim 42 is not shown. Accordingly, attached herewith are additional sheets of drawings having Figs. 9-14. In addition, the originally presented figures have been corrected so that the sheet numbering properly reflects that there are now nine total sheets. In the added sheets, the claimed subject matter is shown. Support for these sheets can be found from the claims and the original disclosure.

For example, the dependent claim 42 discussed the connecting surface being a roughened surface. The use of circumferential beads, for example, is brought out in dependent claim 45. Also, the circumferential beads having a height less than that of the screw thread profiles of the first and second cylindrical sections is brought out in claim 46. Dependent claim 47 brings out the circumferential beads having a height no greater than 0.3mm.

The circumferential oriented roughness being in the shape of a screw thread is brought out in claim 48, and is shown, for example,

in Figs. 11 and 12. The arrangement of Fig. 13 wherein the roughness is in the form of circumferential beads, is recited in claim 62, for example. Throughout the original disclosure, support for these figures can be found. While certain figures have been recited in the above discussion, it should be noted that this is merely exemplary and not limiting to the particular claimed scope.

Nonetheless, it is respectfully submitted that the originally filed drawings should satisfy the requirements of 37 CFR 1.83(a). However, in order to ensure that there is no confusion, the additionally added figures should ensure that the requirements of 37 CFR 1.83(a) are complied with. These added figures, as well as their description, are supported by the original specification. It is respectfully requested that the objection to the drawings now be reconsidered and withdrawn.

Claims 36-41 and 54-55 stand rejected under 35 USC 102(b) as being anticipated by GRATH, U.S. Patent 3,051,169. This rejection is respectfully traversed.

Claims 36-42, 48 and 53 stand rejected under 35 USC 102(b) as being anticipated by DEVAS, U.S. Patent 4,059,102. This rejection is respectfully traversed.

Claims 43-47 and 49-52 stand rejected under 35 USC 103 as being unpatentable over DEVAS. This rejection is respectfully traversed.

Claims 56 and 57 stand rejected under 35 USC 103 as being unpatentable over DEVAS in view of VRESPA, U.S. Patent 5,259,398. This rejection is respectfully traversed.

Independent claim 36 recites a fixture for an orthopaedic prosthesis. This fixture is arranged to be screwed into a bore having an open end in a resected bone surface. There are cylindrical sections, of which each are provided with a screw thread profile of the same hand. The fixture comprises a collar section which is arranged proximally to said first cylindrical section of the anchoring structure and adapted to abut said resected bone surface.

The patent to GRATH merely discloses a surgical screw connector. This is not the same as a fixture for a prosthesis. A prosthesis is defined in Merriam-Webster Dictionary (www.m-w.com) as an artificial device to replace a missing part of the body. The screw in GRATH is not a part of a prosthesis which is to replace a missing part of the body. It is only intended to keep broken parts together, as described in the first paragraph of GRATH.

Furthermore, GRATH is not intended to be screwed into a bore having an open end at a resected bone surface, and there is definitely no disclosure of a collar section which is adapted to abut said surface. Such an arrangement, however, is brought out in independent claim 36 of the present application.

The surgical screw connector of GRATH is merely adapted to keep two bone parts together. It is not at all adapted to be included in a prosthesis. This is quite clear from the fact that GRATH's screw is inserted medially into the femur, while a fixture for a femur prosthesis, according to the invention, is inserted laterally after the head of the femur has been resected and into a bone provided in the resected bone surface. GRATH clearly teaches away from any prosthetic use at all.

As regards a collar section as defined in claim 36, for example, it would not be used in the arrangement of GRATH. Such a collar section would not be possible to abut properly against a bone surface, since no properly resected surface has been provided in the femur. In fact, a collar section would be quite unthinkable. On the one hand, if a collar section would be placed on the sleeve 7, that would prevent the sleeve from being driven into the bone cavity. On the other hand, if the collar section would be placed proximally on the screw 5, that would effectively prevent the sleeve, the springs, washers and nut to be fitted onto the screw after the screw has been inserted as described in column 2, lines 35-41, of GRATH. Furthermore, from column 3, lines 7-12, it should be understood that it is advantageous to have the entire connector placed within the bone, thus GRATH teaches away from using a collar section on the connector.

Also, in column 1, lines 40-50 of GRATH, prior art problems are described. These related to the sleeve being fastened to the outside of the bone being eliminated. This further emphasizes that the skilled artisan reading GRATH would be discouraged from modifying the connector so that a portion of it, such as the above discussed collar section, stays on the outside of the bone.

Furthermore, the GRATH connector is not a permanent anchorage. It is removed after healing of the fracture, as discussed in column 2, lines 53-56. While the present invention, as described on page 13, lines 3-9, allows the fixture to be screwed into and register with the cortex (hard bone tissue) for enabling permanent anchorage, the GRATH connector seems to be screwed into cancellous (spongy) bone tissue, which is confirmed by its possibility of removal.

It is respectfully submitted that one skilled in the art would not contemplate modifying the GRATH connector in such a manner so as to turn it into a fixture for a prosthesis, wherein the fixture is adapted to be screwed into a bore provided in a resected bone surface, against which a collar section of the fixture is to abut. It is respectfully submitted that the fixture of independent claim 36, as well as its dependent claims, would neither be suggested nor rendered obvious by the teachings of GRATH.

Turning now to the teachings of DEVAS, this patent shows a fixture for connecting bone parts. This fixture is not a prosthesis. DEVAS does not show a fixture for screwing into a bone provided in a resected bone surface, nor is there any indication of a collar section adapted to abut a resected bone surface. Furthermore, the patent to DEVAS discloses that the cylindrical sections have threads of opposite hand, quite contrary to the fixture according to independent claim 36. In this claim, it is recited that cylindrical sections have thread profiles of the same hand.

A skilled artisan would also not look to modify the DEVAS screw in order to arrive at the fixture defined in claim 36 of the present application. For instance, a skilled artisan would not want to change the threads of the cylindrical sections so that they would be of the same hand. This would go completely against the teachings of DEVAS and would only be of a destructive nature. The whole idea of DEVAS is to secure the two component parts with two threaded sections of opposite hand so as to achieve a compressive effect and also to prevent them from being unscrewed. A skilled artisan would definitely not want to modify the DEVAS screw so that the two sections would have threads of the same hand.

Furthermore, the skilled artisan would not have any motive for providing the DEVAS screw with a collar section adapted to abut a

resected bone surface. There is no incentive from the teachings of DEVAS to resect bone tissue and replace it with a prosthesis. And, since there is no incentive for resecting bone tissue, there is certainly no reason for providing the screw with a collar section adapted to abut a resected bone surface.

It is respectfully submitted that the teachings of DEVAS would also neither suggest or render obvious the claims of the present application.

Accordingly, it is respectfully requested that the 35 USC 102(b) and 103 rejections utilizing the GRATH and DEVAS patents now all be reconsidered and withdrawn. The additional reference to VRESPA would not overcome the above-noted deficiencies. Withdrawal of all rejections and allowance of the instant application are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

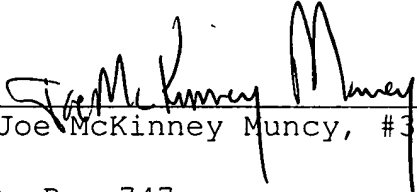
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Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application and the required fee of \$950.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachments

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